

Town of Westwood
Commonwealth of Massachusetts

David W. Krumsiek, Chairman
John F. Lally
Douglas C. Stebbins

2017 JUN 12 A 10:29
TOWN CLERK
TOWN OF WESTWOOD



ZONING BOARD OF APPEALS

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NOTICE OF DECISION

In compliance with Chapter 40A of the General Laws of the Commonwealth of Massachusetts, you are hereby notified that the Board of Appeals has unanimously voted to deny the Petitioner, BlueSel Home Solar, Inc. its request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.7.5 – Large Scale Solar, Special Permit, to install a ground mounted 26.9 kW Solar Array System

PROPERTY OWNER(S): William and Mary-Jo Hannigan

LAND AFFECTED: 281 Grove Street
Map 5, Lot 127

The signed decision for the petition was filed at the office of the Town Clerk on **June 12, 2017**.

Any appeal of this decision shall be made pursuant to the Massachusetts General Laws, Chapter 40A, Section 17 and a copy delivered to Office of the Town Clerk within twenty (20) days of the date that the decision was filed in the office of the Town Clerk.

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**DECISION OF THE ZONING BOARD OF APPEALS
of the
TOWN OF WESTWOOD**

TOWN CLERK
TOWN OF WESTWOOD

PROPERTY OWNER(S): William & Mary-Jo Hannigan

PETITIONER(S): BlueSel Home Solar, Inc.
17 Jan Sebastian Drive
Suite 12
Sandwich, MA 02563

LAND AFFECTED: 281 Grove Street
Westwood, Massachusetts 02090
Map 15, Lot 012

HEARING:

The Board of Appeals for the Town of Westwood held a Public Hearing according to the General Laws of the Commonwealth of Massachusetts on Wednesday, May 17 at 7:00 PM in the Champagne Meeting Room of the Carby Street Municipal Office Building, 50 Carby Street, Westwood, MA 02090 to consider the Petitioner's request for a Special Permit pursuant to the Westwood Zoning Bylaw, Section 4.1.7.5 – Large Scale Solar, to install a ground mounted 26.9 kW Solar Array System. Property located in Single Residential District E.

BOARD MEMBERS: David W. Krumsiek, Chairman
Douglas C. Stebbins
David M. Belcher

APPLICABLE SECTION OF THE WESTWOOD ZONING BYLAW

SECTION 4.0 USE REGULATIONS

4.1 PRINCIPAL USES

4.1.1 **General.** No building or structure shall be constructed, and no building, structure or land shall be used, in whole or in part, for any purpose other than for one or more of the uses herein set forth as permitted in the district in which said building, structure or land is located, or set forth as permissible by special permit in said district, and so authorized. In the case of lots lying partly within the Industrial District or Highway Business District of the Town of Westwood and partly within another abutting municipality, that portion of the lot lying outside of the Town of Westwood may be used to meet the zoning requirements of this Bylaw, and such lot may have effective access through such abutting municipality. However, in all other cases, no building or structure shall be constructed or used on a lot lying only partly within the Town of Westwood unless the Westwood

portion of the lot shall meet the zoning requirements herein set forth, and the lot shall have effective access to the Town of Westwood. There shall be no more than one non-agricultural principal use for each lot in a Residential District, except as may otherwise be provided herein.

4.1.2 **Table of Principal Uses.** The Table of Principal Uses designates which Principal Uses are allowed in each zoning district.

A Use is permitted by right in any district under which it is denoted by the letter "Y".

A Use is prohibited in any district under which it is denoted by the letter "N".

A Use may be permitted by special permit from the Board of Appeals in any district under which is denoted by the letters "BA".

A Use may be permitted by special permit from the Planning Board in any district under which is denoted by the letters "PB"

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PRINCIPAL USE

DISTRICTS

SRA	SRB	SRC	SRD	SRE	GR	SR	LBA	LBB	HB	I	IO	ARO
BA	BA	BA	BA	BA	BA	BA	BA	BA	Y	Y	Y	BA

4.1.7 OTHER USES

4.1.7.5 Large Scale Solar

FINDINGS

In consideration of all of the testimony and exhibits and documents submitted before the Board, the Board makes the following findings of fact:

1. The Subject Property is located at 281 Grove Street. The Petitioner proposes to install a 26.9 kW solar array system. Relief in the form of a Special Permit pursuant to Section 4.1.7.5 – Large Scale Solar – was requested. The Board of Appeals is the Special Permit Granting Authority.
2. The Petitioner has proposed to install the 26.9 kW solar array within an existing field on an undeveloped lot adjacent to the property containing the Petitioner's single family residence. The solar array is proposed to contain 5 panels, positioned on the field at a maximum height of 10 feet, 6.5 in in height and tilted at a 35 degree angle.
3. The proposed solar array is intended to supply electricity to the Petitioner's residence for home use.
4. The Petitioner's proposed construction would not be injurious or dangerous to the public health or hazardous due to traffic congestions or the effects of lighting, odors, smoke, noise, sewage, refuse materials.
5. The subject property is an exposed meadow with minimal existing screening; any screening proposed by the Petitioner would be installed at the time of construction. The elevation of the subject property is below that of adjacent abutters on Summer and Grove Streets, resulting in a sight line from various points throughout the surrounding neighborhood.
6. Summer Street and Grove Street, the nearest adjacent streets to the subject property, are both included on the Town of Westwood's list of Designated Scenic Roads, pursuant to M.G.L. Chapter 40, Section 15C.
7. A Declaration of Protective Covenants, dated May 5, 2006 and recorded by the Norfolk County Land Court on July 19, 2006, was submitted to the Board for consideration. It includes solar panels as a Prohibited Use on select lots within the subject property's immediate neighborhood. Although the Board declines to issue a finding on the strict applicability of the Declaration of Protective Covenants to the subject property itself, it does consider the document as establishing the character of the neighborhood and zoning district.
8. The Board has given full consideration to the local conditions that affect and may be affected by the Petitioners' proposed solar array, and having particular expertise in said local conditions, have taken a view that the adverse effects of the Petitioners' proposed construction will outweigh its beneficial impact to the neighborhood, in view of the particular characteristics of the site and the proposal in relation to that site. The use would not be in an appropriate location, would be detrimental to the neighborhood and would significantly alter the character of the zoning district.
9. The Petitioner has not met all the requirements for a Special Permit pursuant to the Westwood Zoning

DECISION and CONDITIONS

At a meeting of the Board of Appeals on Wednesday May 17, 2017, on a motion made by Douglas C. Stebbins and seconded by David M. Belcher, the Board voted to deny the Petitioner's request for a Special Permit pursuant to Section 4.1.7.5 of the Westwood Zoning Bylaw.

RECORD OF VOTE

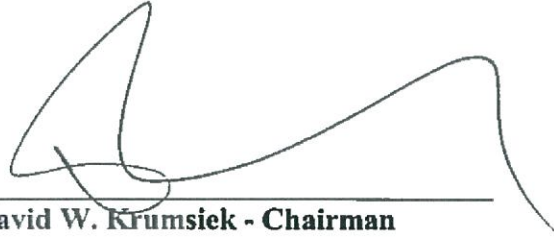
The following members of the Board of Appeals voted in opposition to the grant of the Special Permit for the above mentioned project: David W. Krumsiek, Douglas C. Stebbins and David M. Belcher.

The following members of the Board of Appeals voted in favor of the grant of the Special Permit: None.

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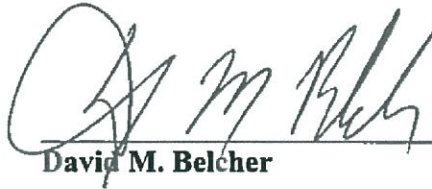
WESTWOOD ZONING BOARD OF APPEALS



David W. Krumsiek - Chairman



Douglas C. Stebbins



David M. Belcher

5/17/17
Date

281 Grove Street- BlueSel Home Solar-Hannigan

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